

SENATE BILL 733
EMERGENCY BILL

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2003 Regular Session
3lr2624
CF HB 1082

By: **Senators Garagiola, Harris, Hollinger, McFadden, and Stoltzfus**

Introduced and read first time: February 26, 2003

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 3, 2003

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 **Homeland Security - Protection of Building Records**

3 FOR the purpose of expanding the circumstances under which a custodian of public
4 records relating to public security may deny inspection to include records of
5 certain facilities and privately owned or operated buildings, structures, or
6 facilities; providing that a custodian may not deny inspection of certain records
7 relating to certain buildings, building inspections, and citations; making this Act
8 an emergency measure; and generally relating to inspection of public records.

9 BY repealing and reenacting, without amendments,
10 Article - State Government
11 Section 10-618(a)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - State Government
16 Section 10-618(j)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

1

Article - State Government

2 10-618.

3 (a) Unless otherwise provided by law, if a custodian believes that inspection of
4 a part of a public record by the applicant would be contrary to the public interest, the
5 custodian may deny inspection by the applicant of that part, as provided in this
6 section.

7 (j) (1) Subject to ~~paragraph (2)~~ PARAGRAPHS (2), (3), AND (4) of this
8 subsection, a custodian may deny inspection of:

9 (i) response procedures or plans prepared to prevent or respond to
10 emergency situations, the disclosure of which would reveal vulnerability assessments,
11 specific tactics, specific emergency procedures, or specific security procedures;

12 (ii) 1. building plans, blueprints, schematic drawings, diagrams,
13 operational manuals, or other records of airports and other mass transit facilities,
14 bridges, tunnels, emergency response facilities or structures, buildings where
15 hazardous materials are stored, arenas, stadiums, ~~and~~ waste and water systems, AND
16 ANY OTHER BUILDING, STRUCTURE, OR FACILITY, the disclosure of which would
17 reveal the building's [or], structure's OR FACILITY'S internal layout, specific location,
18 life, safety, and support systems, structural elements, surveillance techniques, alarm
19 or security systems or technologies, operational and transportation plans or protocols,
20 or personnel deployments; or

21 2. records of any other building [or], structure, OR FACILITY
22 [owned or operated by the State or any of its political subdivisions], the disclosure of
23 which would reveal the building's [or], structure's, OR FACILITY'S life, safety, and
24 support systems, surveillance techniques, alarm or security systems or technologies,
25 operational and evacuation plans or protocols, or personnel deployments; or

26 (iii) records prepared to prevent or respond to emergency situations
27 identifying or describing the name, location, pharmaceutical cache, contents, capacity,
28 equipment, physical features, or capabilities of individual medical facilities, storage
29 facilities, or laboratories [established, maintained, or regulated by the State or any of
30 its political subdivisions].

31 (2) The custodian may deny inspection of a part of a public record under
32 paragraph (1) of this subsection only to the extent that the inspection would:

33 (i) jeopardize the security of any BUILDING, structure, OR
34 FACILITY [owned or operated by the State or any of its political subdivisions];

35 (ii) facilitate the planning of a terrorist attack; or

36 (iii) endanger the life or physical safety of an individual.

37 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
38 CUSTODIAN MAY NOT DENY INSPECTION OF A PUBLIC RECORD UNDER PARAGRAPH

1 (1) OR (2) OF THIS SUBSECTION THAT RELATES TO A BUILDING, STRUCTURE, OR
2 FACILITY THAT HAS BEEN SUBJECTED TO A CATASTROPHIC EVENT, INCLUDING TO A
3 FIRE, EXPLOSION, OR NATURAL DISASTER.

4 (II) THIS PARAGRAPH DOES NOT APPLY TO THE RECORDS OF ANY
5 BUILDING, STRUCTURE, OR FACILITY OWNED OR OPERATED BY THE STATE OR ANY
6 OF ITS POLITICAL SUBDIVISIONS.

7 (4) (I) SUBJECT TO PARAGRAPHS (1) AND (2) OF THIS SUBSECTION AND
8 SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CUSTODIAN MAY NOT DENY INSPECTION
9 OF A PUBLIC RECORD THAT RELATES TO AN INSPECTION OF OR ISSUANCE OF A
10 CITATION CONCERNING A BUILDING, STRUCTURE, OR FACILITY BY AN AGENCY OF
11 THE STATE OR ANY POLITICAL SUBDIVISION.

12 (II) THIS PARAGRAPH DOES NOT APPLY TO THE RECORDS OF ANY
13 BUILDING, STRUCTURE, OR FACILITY OWNED OR OPERATED BY THE STATE OR ANY
14 OF ITS POLITICAL SUBDIVISIONS.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
16 measure, is necessary for the immediate preservation of the public health or safety,
17 has been passed by a yea and nay vote supported by three-fifths of all the members
18 elected to each of the two Houses of the General Assembly, and shall take effect from
19 the date it is enacted.